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APPLICATION OF

**ROBERT A. WINNEY D/B/A
THE WATERWORKS COMPANY OF
FRANKLIN COUNTY**

CASE NO. PUE000665

To change rates and charges

HEARING EXAMINER'S RULING

August 22, 2001

By Hearing Examiner's Report dated March 16, 2001, the request of Robert A. Winney d/b/a The Waterworks Company of Franklin County ("Waterworks" or "the Company") to withdraw its application was granted and the scheduled hearing was cancelled. In its comments, the Staff argued that the application should not be dismissed. In its prefiled testimony and exhibits, Staff recommended discontinuing the annual availability charge, contending that the fee was not reasonable because the Company could not connect customers. On July 6, 2001, the Commission issued an Order Remanding Case to Examiner, stating, among other things, that the Staff clearly had raised issues with a specific charge, and that the matter should continue to hearing.

I now find that a procedural schedule and hearing date should be established. Accordingly,

IT IS DIRECTED:

- (1) That Staff may file any supplemental testimony on or before September 24, 2001;
- (2) That the Company may file supplemental or rebuttal testimony or exhibits on or before November 5, 2001; and
- (3) That a public hearing is hereby scheduled to commence at 10:00 a.m. on Thursday, November 15, 2001, in a Commission courtroom in the Tyler Building, 1300 East Main Street, Richmond, Virginia.

Alexander F. Skirpan, Jr.
Hearing Examiner